

### REMARKS

This application has been carefully reviewed in light of the Office Action dated October 29, 2003 (Paper No. 7). Claims 1, 3, 4, 6, 8, 9, 11, 12, 14, 16, 17, 19, 20, 22, 24 and 70 to 78 are presented for examination, with Claims 2, 5, 7, 10, 13, 15, 18, 21 and 23 having been cancelled, Claims 25 to 69 having been provisionally withdrawn from consideration, and Claims 70 to 78 having been added. Claims 1, 3, 4, 6, 8, 9, 11, 12, 14, 16, 17, 19, 20, 22 and 24 have been amended. Claims 1, 9 and 17 are in independent form. Reconsideration and further examination are respectfully requested.

In response to the Restriction Requirement, in which examination was restricted to Group I (Claims 1 to 24) or Group II (Claims 25 to 69), Applicants hereby affirm the provisional election to prosecute the Group I claims, namely Claims 1 to 24. The restriction requirement is, however, traversed.

Traversal is on the ground that there would not be an undue burden in examining two groups of claims in a single application. In particular, MPEP § 808 makes clear that in order to require restriction between independent of distinct inventions, reasons for insisting upon a restriction requirement, such as undue burden, must also be shown. In the present instance, it is not believed that there would be undue burden in examining two groups of claims in a single application, since the two groups of claims are not so different as would require a burden on the Examiner that is significantly beyond that of the normal burdens of examination.

Accordingly, reconsideration and withdrawal of the restriction requirement are respectfully requested.

Applicants thank the Examiner for the indication that Claims 8, 16 and 24 would be allowable if rewritten in independent form, including all of the limitations of the base claims. Applicants have chosen not to rewrite these claims at this time since the base claims for each of Claims 8, 16 and 24 are believed to be allowable for at least the reasons set forth below. Consequently, Claims 8, 16 and 24 are seen to be in condition for allowance.

In the Office Action, the drawings were objected to for allegedly having unclear labeling and unclear blackened sections.

The Replacement Drawing Sheets attached hereto are believed to attend to such objections. In addition, reference numerals in the Specification have been amended to correctly correspond with those used in the drawings.

Accordingly, withdrawal of the objections to the drawings are respectfully requested.

Claims 5, 7, 13, 15, 21 and 23 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Applicants submit that the cancellation of Claims 5, 7, 13, 15, 21 and 23 herein render moot this objection. Accordingly, reconsideration and withdrawal of the foregoing claim rejection are respectfully requested.

Claims 1, 4, 6, 8, 9, 12, 14, 17, 20 and 22 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5,758,259 (Lawler); Claims 1, 2, 4, 9, 10, 12 and 20 were rejected under 35 U.S.C. § 102(b) over EP 774 866 A2 (Reynolds); Claims 2, 3, 10, 11, 18 and 19 were rejected under 35 U.S.C. § 103(a) over Lawler in view of U.S. Patent No. 5,798,785 (Hendricks); Claims 4 to 7, 12 to 15 and 20 to 23 were rejected under 35 U.S.C.

§ 103(a) over Reynolds in view of EP 854 645 A2 (Killian). Reconsideration and withdrawal are respectfully requested.

The present invention generally concerns enabling a selection of a program for viewing in a television system. Among its many features, the present invention provides that (i) attributes comprise first attributes associated with characteristics of the programs and second attributes associated with the viewing of the programs, with the first attributes being made available as Electronic Program Guide (EPG) data, and (ii) sets of the attributes are formed, with each of the sets comprising at least two of the attributes. By virtue of these features, programs can be recommended based on a combination of characteristics of previously-viewed programs and viewing data of the programs, thus refining the selection of television programs.

Referring specifically to the claims, independent Claim 1 as amended is directed to a method of enabling a selection of a program for viewing in a television system. The method includes the step of recording attributes associated with each program viewed by a user in the television system, the attributes comprising first attributes associated with characteristics of the programs and second attributes associated with the viewing of the programs, wherein the first attributes are made available as EPG data. The method also includes the step of forming sets of the attributes, with each of the sets comprising at least two of the attributes. In addition, upon entry of a user request for a program recommendation, the method performs a search for programs with attributes that include the attributes of the sets, and notifies the user of an availability of programs that include the attributes of the sets as program recommendations.

In a similar manner, independent Claim 17 as amended defines the invention in terms of a computer program product.

Independent Claim 9 as amended is directed to a recommendation system for enabling a selection of a program for viewing in a television system. The recommendation system includes memory means for recording attributes associated with each program viewed by a user in the television system, the attributes comprising first attributes associated with characteristics of the programs and second attributes associated with the viewing of the programs, wherein the first attributes are made available as EPG data. The recommendation system also includes processing means for forming sets of the attributes, with each of the sets comprising at least two of the attributes. In addition, the recommendation system includes searching means for performing a search for programs with attributes that include attributes of the sets, and on-screen display means for notifying the user of an availability of programs that include the attributes of the sets as program recommendations upon entry of a user request for program recommendations.

The applied art is not seen to disclose or to suggest the features of the invention of the subject application. In particular, the Lawler and Reynolds patents are not seen to disclose or suggest that (i) attributes are comprised of first attributes associated with characteristics of the programs and second attributes associated with the viewing of the programs, with the first attributes being made available as EPG data, and (ii) sets of the attributes are formed, with each of the sets comprising at least two of the attributes.

As understood by Applicants, Lawler teaches a method of identifying for a selected viewer a preferred program available from an interactive television or televideo (IT) system at a selected time. The IT system establishes for each viewer a database or

table of viewer preferences representing the particular characteristics of programming previously delivered to the viewer. With reference to a motion picture, for example, these characteristics could include the names of the director and leading actors and the genre of the motion picture (e.g., science fiction, romance, or comedy). The IT system compares the particular characteristics in the viewer preference table to predetermined characteristics of video programming available at the selected time. The IT system identifies as the preferred program the video programming available at the selected time having a greatest degree of correlation. See Lawler, Abstract; column 2, lines 10 to 29.

As noted above, Lawler merely teaches recommending programs based on characteristics of the programs. This is different than the present invention, in which first attributes are associated with characteristics of the programs and second attributes are associated with the viewing of the programs, with the first attributes being made available as EPG data. Lawler is silent as to the second attributes. As such, Lawler is also not seen to disclose or suggest forming sets of the attributes, with each of the sets comprising at least two of the attributes.

As understood by Applicants, Reynolds discloses an apparatus for searching specific television programs which satisfy certain criteria concerning a viewer's preferences, including topics and themes of the television programs. Upon successful conclusion to the search, the apparatus generates a list of such television programs in order to predict for the viewer certain programs which may be of interest. The displayed list may be presented in a weighted fashion, for example in descending order of the number of times that a particular type of show was watched. See Reynolds, Abstract; column 2, lines 35 to 40; and column 3, lines 29 to 33.

Although Reynolds searches for television programs based on criteria such as topic and theme, Reynolds is not seen to teach second attributes associated with the viewing of the programs. Reynolds teaches searching television programs based solely on their characteristics. As such, Reynolds is also not seen to disclose or suggest forming sets of the attributes, with each of the sets comprising at least two of the attributes.

In addition, Hendricks and Killian have been reviewed and are not seen to compensate for the deficiencies of Lawler and Reynolds. In particular, Hendricks is not seen to teach forming sets of the attributes, with each of the sets comprising at least two of the attributes. Rather, Hendricks assigns weights to various indicators to assist in determining what channel or program the viewer desires. See Hendricks, column 29, lines 58 to 60.

Based on the foregoing remarks, independent Claims 1, 9 and 17 are believed to be allowable over the applied references. Reconsideration and withdrawal of the § 102(b) and § 103(a) rejections are respectfully requested.

The other claims in the application are each dependent from the independent claims discussed above and are believed to be patentable for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

In view of the foregoing, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney may be reached in our Costa Mesa,  
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Respectfully submitted,



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